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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,416

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Christian Saclier

33597-US-PCT

8348

74550

7590

07/01/2008

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EXAMINER

LALLI, MELISSA LYNN

ART UNIT

PAPER NUMBER

3728

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,416	<b>Applicant(s)</b> SACLIER ET AL.	
	<b>Examiner</b> MELISSA L. LALLI	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/04/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed August 4, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The cited foreign patent documents were not found in the file, applicant must include copies of the original foreign patent documents in response to this action to ensure their consideration.

### ***Claim Objections***

2. Claim 7 is objected to because of the following informalities: language. On line 4 of claim 7, "that end" should be changed to "the end". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what is meant by "Casing for a blister package having cavities". Are the cavities being claimed as part of the casing or the blister package? The drawings and disclosure describe the blister package having cavities

and the casing having openings which align with the cavities of the blister package. The language generally causes confusion and should be clarified. Also, "which casing" in lines 1-2 should be changed to "the casing".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,150,793 to Tannenbaum.

Regarding claims 1, 2, and 4, Tannenbaum discloses a casing (fig. 1) for a blister package (14) with a bottom part (34) and a cover (32) for closing the bottom part such that the blister package cannot be removed from the casing in the closed state (col. 4 lines 15-18). The bottom part has a bottom with openings (36) and positioning means (38) shaped and arranged to act on at least one cavity (44) of the blister package in order to position each cavity centered with an opening (col. 4, lines 51-59). The positioning means are arranged at a longitudinal end of the bottom part and comprise at least one abutment (42) extending up to the nearest opening and a recess formed to

accommodate an end region (40) of the blister package extending between the first cavity and the end of the blister package (fig. 2b).

Regarding claim 7, Tannenbaum discloses the bottom part having stepped engaging means (46) arranged at the opposite end of the positioning means (38) for supporting the blister package on the bottom part.

7. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,109,984 to Romick.

Regarding claims 1, 2, and 4, Romick discloses a casing (10) for a blister package (68) with a bottom part (14) and a cover (12) for closing the bottom part. The bottom part has a bottom with openings (42) and positioning means (16) shaped and arranged to act on at least one cavity (70) of the blister package in order to position each cavity centered with an opening (fig. 3 and col. 3, lines 25-27). The positioning means are arranged at a longitudinal end of the bottom part and comprise at least one abutment (44) extending up to the nearest opening and a recess (50) formed to accommodate an end region of the blister package extending between the first cavity and the end of the blister package (fig. 3).

8. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,489,025 to Romick.

Regarding claims 1 and 7, Romick discloses a casing (200) for a blister package (100) with a bottom part (210) having a bottom with openings (212) and positioning means (202) shaped and arranged to act on at least one cavity (104) of the blister package in order to position each cavity centered with an opening (col. 4, lines 28-31).

Additionally, Romick discloses the bottom part having stepped engaging means (216) arranged at the opposite end of the positioning means for supporting the blister package on the bottom part (col. 4, lines 43-47).

9. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Document No. 2,845,668 to Gattefosse et al. (Gattefosse).

Regarding claims 1 and 4, Gattefosse discloses a casing (10) for a blister package (12) with a bottom part (20) and a cover (60) for closing the bottom part (fig. 6). The bottom part has a bottom (21) with openings (42) and positioning means (32) shaped and arranged to act on at least one cavity (16) of the blister package in order to position each cavity centered with an opening (fig. 7).

Regarding claims 3 and 7, Gattefosse discloses the bottom part having retaining and guiding means (48) for holding the blister package (16) down on the bottom and for properly arranging the blister package on the bottom with regard to its lateral position (fig. 4, 48 interlocks with mating portion 46 to hold down the blister package).

Additionally, Kelly discloses the bottom part having stepped engaging means (fig. 3, 48F) arranged at the opposite end of the positioning means (32) for supporting the blister package on the bottom part.

10. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,817,819 to Kelly.

Regarding claims 1, 2, and 4, Kelly discloses a casing (10) for a blister package (37) with a bottom part (12) and a cover (11) for closing the bottom part. The bottom part has a bottom (21) with openings (20) and positioning means (35 on end wall 26)

shaped and arranged to act on at least one cavity (50) of the blister package in order to position each cavity centered with an opening (col. 4, lines 8-11 and lines 60-63). Since the positioning means act on the blister package and the cavities are integrally formed in the blister package, it can be said that the positioning means act on at least one cavity. The positioning means are arranged at a longitudinal end (26) of the bottom part and comprise at least one abutment (35) extending up to the nearest opening and a recess formed to accommodate an end region of the blister package extending between the first cavity and the end of the blister package (fig. 8). Since the blister package and cavities are integrally formed, it can be said that the abutment abuts against a cavity.

Regarding claims 3 and 7, Kelly discloses the bottom part having retaining and guiding means (35 on wall 33) for holding the blister package (37) down on the bottom and for properly arranging the blister package on the bottom with regard to its lateral position (col. 4, lines 8-11). Additionally, Kelly discloses the bottom part having stepped engaging means (35 on end wall 28) arranged at the opposite end of the positioning means (35 on end wall 26) for supporting the blister package on the bottom part.

11. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. U.S. Patent No. 6,789,677 to Maietta.

Regarding claims 1 and 4-6, Maietta discloses a casing (10) for a blister package with a bottom part (20) and a cover (18) for closing the bottom part. The cover is pivotally attached to the bottom part by an axle (46) allowing the cover to be pivoted in a plane parallel to the bottom part (fig. 2). The bottom part has a bottom with openings (60) and positioning means (62) shaped and arranged to act on at least one cavity of

the blister package in order to position each cavity centered with an opening (col. 4, lines 21-25). Since the positioning means act on the blister package and the cavities are integrally formed in the blister package, it can be said that the positioning means act on at least one cavity.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The U.S. Patent No.'s 4998623, 6338408, 5878887, 7093736, and 3504788 have been included because they are generally representative of prior art casings for a blister package.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melissa L Lalli/  
Examiner, Art Unit 3728

/Bryon P. Gehman/  
Primary Examiner, Art Unit 3728